

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID DOUGLAS MOELLER,

Petitioner,

v.

MARGARET GILBERT,

Respondent.

CASE NO. C13-5337 RJB-JRC

ORDER DIRECTING SERVICE
AND RETURN, §2254 PETITION

The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge, J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state conviction. Petitioner filed the petition pursuant to 28 U.S.C. § 2254.

Petitioner has complied with the Court's order to name a person as a respondent (ECF No. 6 and 7). According, the Court orders that the Clerk's Office serve the amended petition (ECF No. 7).

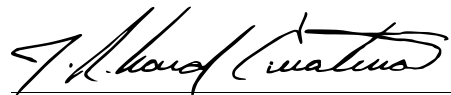
(l) The Clerk shall arrange for service by certified mail upon respondent and the Attorney General for the State of Washington, copies of the petition, all documents in support

1 thereof. All costs of service shall be advanced by the United States. The Clerk shall assemble
2 the necessary documents to effect service. In addition, the Clerk shall send petitioner a copy of
3 this Order, along with a copy of the Court's General Order regarding pro se litigation.

4 (2) Within forty-five (45) days after such service, respondent(s) shall file and serve
5 an answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States
6 District Courts. As part of such answer, respondent(s) should state whether petitioner has
7 exhausted available state remedies, whether an evidentiary hearing is necessary, and whether
8 there is any issue of abuse or delay under Rule 9. Respondent(s) shall file the answer with the
9 Clerk of the Court and serve a copy of the answer upon petitioner.

10 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly,
11 upon receipt of the answer the Clerk will note the matter for consideration on the fourth Friday
12 after the answer is filed, petitioner may file and serve a response not later than on the Monday
13 immediately preceding the Friday appointed for consideration of the matter, and respondent may
14 file and serve a reply brief not later than on the Thursday immediately preceding the Friday
15 designated for consideration of the matter.

16 Dated this 22nd day of May, 2013.

17 

18 J. Richard Creatura
19 United States Magistrate Judge
20
21
22
23
24